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NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER CHONG CRUZ, NADJA N	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/723,319

**Applicant(s)**

THOMPSON ET AL.

**Examiner**

NADJA CHONG CRUZ

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13, 14, 17-30, 32-43 and 46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-14, 17-30, 32-43 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This is a Final office action in reply to the response filed on 23 July 2008.
2. Claims 1, 14, 19 and 23 have been amended.
3. Claims 1-11, 13-14, 17-30, 32-43 and 46 are currently pending and have been examined
4. The rejections of claims 1-11, 13-14, 17-30, 32-43 and 46 have been updated to reflect the amendments.

### **Response to Amendment**

5. Amendments to claims 1, 14, 19 and 23 have been noted.

### **Response to Arguments**

6. Applicant's arguments received on 23 July 2008 have been fully considered but are not persuasive.
7. In particular Applicant argues that the prior art of record, specifically that O'Brien Figures 2A and 2B (1) *do not disclose or suggest the concept of the workers specifying the activities in which they plan to engage during a plurality of time period* (Page 13, First Paragraph); that Dellevi et al. (2) *teaches away from the claimed subject matter inasmuch as Dellevi et al., associates one "work area function" (WAF) with each time shift*, that Dellevi et al., (3) *provides no disclosure about specifying different activities within a work day, much less about selecting such different work activities from a list of work activities* (Page 13, Second Paragraph) and that Moseley et al., (4) *does not disclose or suggest selecting work activities from a list of work activities* (Page 13, Third Paragraph).
8. In response to argument (1), Examiner respectfully disagrees. O'Brien discloses that each worker enters information specifying availability and shift requests (i.e. when a worker wants to work a shift), leave requests (when a worker wants to take leave, such as days off), etc. for time

periods during one or more workdays. Leave requests, shift request, etc. are all activities specified by the user, in the broadest reasonable interpretation of the term activity. See at least column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52. Examiner points out that claims 3, 5, and 21 support Examiner's interpretation of the term activity. These claims state that activities include work activities, vacation activities, and sick time. Therefore, in claim 1, for example, an employee entering the activities of working (i.e. available and wanting to perform a shift) or taking leave for various days and time periods satisfies the limitation of allowing "each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time", since a worker is specifying an activity (i.e. leave) for time periods on one or more days. A scheduling engine (or work plan builder) builds an optimal schedule using the information input by the workers over the network and using the forecast information. Therefore, the activities specified by the workers are displayed as illustrated in Figure 2A (e.g., Day 1 is off for Sam) and Figure 2B).

9. In response to argument (2), Examiner respectfully disagrees. Dellevi et al., does not teach away from the claimed subject matter because Dellevi et al., was not relied upon to teach work activities within a work day as O'Brien. O'Brien teaches a work plan builder that allows each worker to specify for different time periods on work days different activities the worker plans to do (work a shift, take leave, etc.)).(See figures 2,2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52). Dellevi et al. discloses comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and permitting changes to the work activities specified in the work plans for one or more workers based on the comparing (See column 1, lines 55-65, column 2, lines 18-30, column 3, lines 40-57, and column 6, lines 5-20, wherein a performance level for work anticipated to be needed for work area functions are, defined and wherein workers has associated with them Employee Training Records .that coincide with the performance level

forecasts. Changes to the work activities (and the workers who are supposed to perform the work activities) are allowed based on comparing workers levels with the activity's levels). Both O'Brien and Dellevi et al allow changes to be made to the schedule. Dellevi et al, discloses the ability to change work plans based on comparisons of levels associate with workers and activities. It would have been obvious to use the change techniques of Dellevi et al.'s shift trading system in the online shift scheduling and management system of O'Brien in order to more accurately allow changes to occur to a schedule based on relevant comparisons. In addition, please see below

10. In response to applicant's arguments (3) and (4) with regard to *selecting work activities from a list of work activities*, this argument is moot for the following reasons: claims 1, 14, 19 and 43 have been rejected on new grounds in light of Applicant's amendment. Please see the rejection below. Further, Applicant's argument against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

#### **Claim Rejections - 35 USC § 103**

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
12. Claims 1-11, 13-14, 17-30, 32-43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien (U.S. 6,587,831) in view of Dellevi et al. (U.S. 6,957,188) and in further view of Moseley et al. (Office 97: Professional Edition).

As per **claim 1**, O'Brien discloses a resource management system comprising:

a work plan builder module configured to build work plans for workers, said work plan builder module being configured to allow each worker to specify, for each of a plurality of different

time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period (See figures 2,2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a work plan builder allows each worker to specify for different time periods on work days different activities the worker plans to do (work a shift, take leave, etc.))

said work plan builder module is configured to permit each worker to specify different activities that the worker plans to perform during different time periods of the same work day (See column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein each worker enters information specifying availability and shift requests (i.e. when a worker wants to work a shift), leave requests (when a worker wants to take leave, such as days off), etc. for time periods during one or more workdays. Leave requests, shift request, etc. are all activities specified by the user);

a computer accessible memory for storing the work plans built by said work plan builder module (See figure 3, column 3, lines 24-40, column 4, lines 50-67, and column 5, lines 1-5, which discloses computer accessible memory storing work plans); and

a forecast module for comparing the stored work plans with forecast needs and changing the specified activities' for one or more of the workers based on the comparing (See column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions. See column 1, lines 45-65, column 2, lines 5-32, column 3, lines 25-50, column 4 lines 30-60, column 5, lines 5-40, column 6, lines 5-17, and column 7, lines 5-1 5 and 20-40, wherein the schedule is based on comparing the identified work plans of the worker and the forecast of worker need).

However, O'Brien does not expressly disclose that the work plan builder module is configured to permit each worker to specify by selection from a displayed list of work activities two or more different work activities that the worker plans to perform during different time periods of the same work day. Further, O'Brien does not expressly disclose comparing a service level forecasted to be needed for different work activities and a service level corresponding to the

workers that plan to engage in these different work activities as specified in the work plans and permitting changes to the work activities specified in the work plans for one or more workers based on the comparing.

Dellevi et al. discloses comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and permitting changes to the work activities specified in the work plans for one or more workers based on the comparing (See column 1, lines 55-65, column 2, lines 18-30, column 3, lines 40-57, and column 6, lines 5-20, wherein a performance level for work anticipated to be needed for work area functions are defined and wherein workers has associated with them Employee Training Records that coincide with the performance level forecasts. Changes to the work activities (and the workers who are supposed to perform the work activities) are allowed based on comparing workers levels with the activity's levels). However, Dellevi et al does not expressly disclose that the work plan builder module is configured to permit each worker to specify by selection from a displayed list of work activities two or more different work activities that the worker plans to perform during different time periods of the same work day. Moseley et al. teaches building work plans for workers, allowing each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period, wherein said work plan builder module is configured to permit each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same work day (See pages 783-6, 787-8, wherein outlook has a function used to schedule an individual's time and helps the-individual manage appointments, events, tasks, and meetings. The calendar shows different time periods during each of multiple workdays. The individual is able to enter what he/she plans on performing during time periods of the day. The worker can specify different work activities and tasks, such as meetings, appointments, finish reports, etc. The worker is able to enter any subject/title for the activity, meeting, or task that he/she chooses. See page 797 and figure 35.14, wherein the activities includes a time when the

worker is out of the office. See page 8, 788, 798, and figures 35.5 and 35.11, wherein the programs of outlook are office programs and thus are stored in memory).

Both O'Brien and Dellevi et al allow changes to be made to the schedule. Dellevi et al, discloses the ability to change work plans based on comparisons of levels associate with workers and activities. It would have been obvious to use the change techniques of Dellevi et al.'s shift trading system in the online shift scheduling and management system of O'Brien in order to more accurately allow changes to occur to a schedule based on relevant comparisons.

Further, O'Brien discloses developing a work plan for workers who perform various activities at various time periods, where the employee can request the activities of shifts, vacation, etc. in this schedule. Moseley et al. discloses a scheduling program that helps workers or individuals manage their time by placing work activities (i.e. appointments, events, tasks, and meetings) onto the schedule to keep track of these items. It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least two work activities of Moseley et al. in the shifts on the schedule of O'Brien in order to more efficiently organize a schedule, enabling an individual to more effectively keep track of increasing complicated schedule. See page 783.

O'Brien, Dellevi et al., and Moseley et al., does not expressly teach that the work plan builder module is configured to permit each worker to specify by selection from a displayed list of work activities two or more different work activities. Both O'Brien and Dellevi et al. disclose a shift scheduling system that maintains work plans for workers who perform various activities at various time periods, where the employee can request the activities of shifts, vacation, etc. in this schedule. Moseley et al. discloses a scheduling program that helps workers or individuals manage their time by placing work activities (i.e. appointments, events, tasks, and meetings) onto the schedule to keep track of these items. However, Examiner takes Official Notice that is old and well known in graphical user interface art and to one of the ordinary skill in the art to display a list (e.g., a drop-down widget) with a plurality of choices (e.g., work activities) in order to select multiple options. Therefore, it would have been obvious to one of ordinary skill in the art at the



time of the invention to combine O'Brien, Dellevi et al., and Moseley with the old and well-known practice of displaying a list (e.g., a drop-down widget) with a plurality of choices (e.g., work activities) thereby giving the predictable result of enabling a user (e.g., a worker) through a user friendly environment to select multiple choices of two or more different work activities.

As per **claim 2**, O'Brien teaches a resource management system wherein the plurality of different activities include answering telephone calls (See at least column 2, lines 64-67, column 3, lines 1-5, and column 5, lines 10-22, wherein the different work shift activities include answering phone calls). However, O'Brien does not expressly disclose activities including answering electronic mail messages and answering regular mail messages, nor does Dellevi et al.

Moseley et al. teaches wherein the plurality of different work activities include any activity or event that the individual chooses to enter into the work plan schedule (See pages 783- 6, 787- 8, wherein outlook has a function used to schedule an individual's time and helps the individual manage appointments, events, tasks, and meetings. The calendar shows different time periods during each of multiple workdays. The individual is able to enter what he/she plans on performing during time periods of the day. The worker can specify different work activities and tasks, such as meetings, appointments, finish reports, etc. The worker is able to enter any subject/title for the activity, meeting, or task that he/she chooses). However, Moseley et al. does not expressly disclose the activities answering electronic messages or answering regular mail messages.

O'Brien and Dellevi et al. are combinable for the reasons set forth above. Both O'Brien and Moseley disclose scheduling systems that allow people to build work plans. O'Brien discloses developing a work plan for workers performing various activities at various time periods, wherein the activities are at a telephone call center as a preferred environment, but may be applied to any environment for scheduling. .Moseley et al. discloses a scheduling program ' that helps workers or individuals manage their time by placing appointments, events, tasks, and meetings onto the schedule to keep track of these items. Examiner takes official notice that answering electronic mail messages and regular mail messages are all well known job activities performed by workers.

Examiner points out that the system of Moseley et al. is capable of placing any label or title of a task, activity, appointment, or meeting on the schedule for time management reasons. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include answering electronic mail messages and answering regular mail messages as work activities in the system of O'Brien in order to more efficiently organize a schedule (that includes all possible activities and tasks that must be accomplished), enabling an individual to more effectively keep track of increasing complicated schedule. See page 783

As per **claim 3**, O'Brien discloses a resource management system wherein the plurality of different activities further include vacation time (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the employee can request vacation time).

As per **claim 4**, O'Brien discloses a resource management system wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the approval of vacation time and the work plan builder module is configured to allow the worker to access the work plan builder and view records concerning the worker (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67; column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan .builder module communicates to the worker if he/she is approved for vacation time and the ability for the worker to access the work plan builder).

However, neither O'Brien, Dellevi et al., nor Moseley et al. expressly discloses selectively communicating data indicative of the vacation time remaining for that worker.

Dellevi et al., Moseley et al., and O'Brien are combinable for the reasons set forth above. Further, all of O'Brien, Moseley et al., and Dellevi et al. all teach computer-based schedule management tools that allow users to build work plans and schedules and indicate when they are in and out of work. Both O'Brien and Dellevi et al. both teach allowing employees to access data concerning leave over a network. Further, examiner takes official notice that it is old and well known in Human Resources management to communicate to a worker the amount of leave they

have remaining in their work account. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vacation time remaining for a worker in the viewable data accessible by the worker of O'Brien as in order to increase the user friendliness of the system by providing up-to-date and reliable information concerning the employee's leave and schedule. See column 1, lines 45-67, and column 2, lines 1-32, of O'Brien, which discusses the importance of communicating up to date and accurate information to workers.

As per **claim 5**, O'Brien teaches a resource management system wherein the plurality of activities further includes leave (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module considers leave requests). However, O'Brien does not expressly disclose sick time.

Dellevi et al. discloses sick time (See column 6, lines 34-35; disclosing sick leave).

Dellevi et al. and O'Brien are combinable for the reasons set forth above. Further, all of O'Brien and Dellevi et al. all teach computer-based schedule management tools that allow users to build work plans and schedules and indicate when they are in and out of work. Both O'Brien and Dellevi et al. both teach allowing employees to access data concerning leave over a network. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sick time in the leave taught by O'Brien in order to more accurately represent the work needs of employees.

As per **claim 6**, O'Brien teaches a resource management system wherein the plurality of activities includes leave (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module considers leave requests).

O'Brien further discloses a resource management system wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the approval of leave time and the work plan builder module is configured to allow the worker to access the work plan builder and view records concerning the worker (See at least figures 2, 2A, 2B, and 5,

column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module communicates to the worker if he/she is approved for vacation time and the ability for the worker to access the work plan builder).

However, O'Brien does not expressly disclose that this leave is sick time or selectively communicating data indicative of the sick time remaining for that worker.

Dellevi et al. discloses sick time (See column 6, lines 34-35, disclosing sick leave).

However, neither Dellevi et al. nor Moseley et al. expressly disclose selectively communicating data indicative of the sick time remaining for that worker.

Dellevi et al., Moseley et al., and O'Brien are combinable for the reasons set forth above. Further, all of O'Brien, Moseley et al., and Dellevi et al, all teach computer-based schedule management tools that allow users to build work plans and schedules and indicate when they are in and out of work. Both O'Brien and Dellevi et al. both teach allowing employees to access data concerning leave over a network. Further, examiner takes official notice that it is old and well known in Human Resources management to communicate to a worker the amount of leave they have remaining in their work account. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sick time and the sick time remaining for a worker in the viewable data accessible by the worker of O'Brien as in order to increase the user friendliness of the system by providing up-to-date and reliable information concerning the employee's leave and schedule. See column 1, lines 45-67, and column 2, lines 1-32, of O'Brien, which discusses the importance of communicating up to date and accurate information to workers.

As per **claim 7**, O'Brien teaches a resource management system wherein the memory is part of a system server computer and the work plan module is a client process executed on a computer located remotely with respect to the system server computer (See figure 1, and column 3, lines 15-60, which discuss the architecture of the system).

As per **claim 8**, O'Brien teaches a resource management system wherein said work plan builder module is configured to generate and send messages to workers and to generate a work

plan using data input by the worker by the time of the generation (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 6, lines 50-67, column 7, lines 1 - 10 and 17-35, and column 8, lines 38-52, wherein messages and notifications are sent to workers and wherein the work plan is generated using data entered and stored by the workers before the building of the schedule). However, none of O'Brien, Dellevi et al, or Moseley et al. expressly disclose sending the notification if the worker does not specify a plan by a work plan deadline.

Moseley et al, Dellevi et al., and O'Brien are combinable for the reasons set forth above. Further, O'Brien discloses a computer-based tool wherein messages and notifications are sent to workers and wherein a work plan is generated using data entered and stored by the workers before the building of the schedule. It is well known that an employee must specify to an employer his/her work plans by a particular deadline. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send the worker a message if the worker did not specify a plan by a work plan deadline in order to more efficiently create schedules by using the most accurate information so revisions need not occur. See at least column 1, lines 45-67, column 2, lines 1-32, and column 6, lines 52-67.

As per **claim 9**, O'Brien discloses a resource management system further comprising: a supervision module configured to access the work plans stored in said memory and to allow review of the work plans by supervisors (See figures 2, 5, column 2, lines 15-35, column 3, lines 25-50, column 4, lines 25-27 and 45-65, column 6, lines 44-50, and column 8, lines 38-52, wherein a manager module has access to data indicative of all workers that plan to perform a particular activity during a particular time period. The manager can review this data).

As per **claim 10**, O'Brien teaches a resource management system wherein the supervision module is configured to communicate data indicative of all workers that plan to perform a particular activity during a particular time period (See figures 2, 5, column 2, lines 15-35, column 3, lines 25-50, column 4, lines 10-27 and 45-65, column 6, lines 44-50, and column 8,

lines 38-52, wherein a manager module has access to data indicative of all workers that plan to perform a particular activity during a particular time period).

As per **claim 11**, O'Brien discloses a resource management system wherein the supervision module is configured to communicate data indicative of total amounts of time that workers plan to perform particular activities (See figures 2, and 5, column 2, lines 15-35, column 3, lines 25-50, column 4, lines 10-27 and 45-65, column 6, lines 18-30, and column 8, lines 38-52, wherein a manager module is configured to communicate data indicative of total amounts of time that workers plan to perform particular activities).

As per **claim 13**, O'Brien discloses a resource management system wherein said forecast module is configured to generate a graphical display indicative of the comparison of the work plans and the forecasted needs (See column 1, lines 45-57, column 3, lines 25-40, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses graphical displays indicative of the comparison performed of the plan and the needs).

As per **claim 14**, O'Brien teaches a method of managing resources comprising:

receiving from each of a plurality of workers a work plan in which the worker specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period (See figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a work plan builder allows each worker to specify for different time period different activities the worker plans to do (work a shift, take leave, swap, etc.));

said work plan builder module is configured to permit each worker to specify different activities that the worker plans to perform during different time periods of the same work day (See column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein each worker enters information specifying availability and shift requests (i.e. when a worker wants to work a shift), leave requests (when a worker wants to take

leave, such as days off), etc. for time periods during one or more workdays. Leave requests, shift request, etc. are all activities specified by the user);

storing in a computer-accessible memory received work plans (See figure 3, column 3, lines 24-40, column 4, lines 50-67, and column 5, lines 1-5, which discloses computer accessible memory storing work plans); and

comparing the stored work plans with forecast needs and changing the specified activities for one or more of the workers based on the comparing (See column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions. See column 1, lines 45-65, column 2, lines 5-32, column 3, lines 25-50, column 4 lines 30-60, column 5, lines 5-40, column 6, lines 5-17, and column 7, lines 511 5 and 20-40, wherein the schedule is based on comparing the identified work plans of the worker and the forecast of worker need).

However, O'Brien does not expressly disclose by selecting from a displayed list of work activities, wherein the work plan for at least on the workers specifies two or more different work activities that the worker plans to perform during different time periods of the same work day. Further, O'Brien does not expressly disclose comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and permitting changes to the work activities specified in the work plans for one or more workers based on the comparing.

Dellevi et al. discloses comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and permitting changes to the work activities specified in the work plans for one or more workers based on the comparing (See column 1, lines 55-65, column 2, lines 18-30, column 3, lines 40-57, and column 6, lines 5-20, wherein a performance level for work anticipated to be needed for work area functions are defined and wherein workers has associated with them Employee Training Records that coincide with the performance level forecasts. Changes to the work activities (and the workers who are

supposed to perform the work activities) are allowed based on comparing a worker's levels with the activity's levels). However, Dellevi et al does not expressly disclose by selecting from a displayed list of work activities, wherein the work plan for at least on the workers specifies two or more different work activities that the worker plans to perform during different time periods of the same work day.

Moseley et al. teaches building work plans for workers, allowing each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period, wherein said work plan builder module is configured to permit each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same work day (See pages 783-6, 787-8, wherein outlook has a function used to schedule an individual's time and helps the individual manage appointments, events, tasks, and meetings. The calendar shows different time periods during each of multiple workdays. The individual is able to enter what he/she plans on performing during time periods of the day. The worker can specify different work activities and tasks, such as meetings, appointments, finish reports, etc. The worker is able to enter any subject/title for the activity, meeting, or task that he/she chooses. See page 797 and figure 35.14, wherein the activities includes a time when the worker is out of the office. See page 8, 788, 798, and figures 35.5 and 35.1 1, wherein the programs of outlook are office programs and thus are stored in memory)

Both O'Brien and Dellevi et al allow changes to be made to the schedule. Dellevi et al. discloses the ability to change work plans based on comparisons of levels associate with workers and activities. It would have been obvious to use the change techniques of Dellevi et al.'s shift trading system in the online shift scheduling and management system of O'Brien in order to more accurately allow changes to occur to a schedule based on relevant comparisons.

Further, O'Brien also discloses developing a work plan for workers who perform various activities at various time periods, where the employee can request the activities of shifts, vacation, etc. in this schedule. Moseley et al. discloses a scheduling program that helps workers



or individuals manage their time by placing work activities (i.e. appointments, events, tasks, and meetings) onto the schedule to keep track of these items. It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least two work activities of Moseley et al. in the shifts on the schedule of O'Brien in order to more efficiently organize a schedule, enabling an individual to more effectively keep track of increasing complicated schedule. See page 783.

O'Brien, Dellevi et al., and Moseley et al., does not expressly teach that the work plan builder module is configured to permit each worker to specify by selection from a displayed list of work activities two or more different work activities. Both O'Brien and Dellevi et al. disclose a shift scheduling system that maintains work plans for workers who perform various activities at various time periods, where the employee can request the activities of shifts, vacation, etc. in this schedule. Moseley et al. discloses a scheduling program that helps workers or individuals manage their time by placing work activities (i.e. appointments, events, tasks, and meetings) onto the schedule to keep track of these items. However, Examiner takes Official Notice that is old and well known in graphical user interface art and to one of the ordinary skill in the art to display a list (e.g., a drop-down widget) with a plurality of choices (e.g., work activities) in order to select multiple options. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine O'Brien, Dellevi et al., and Moseley with the old and well-known practice of displaying a list (e.g., a drop-down widget) with a plurality of choices (e.g., work activities) thereby giving the predictable result of enabling a user (e.g., a worker) through a user friendly environment to select multiple choices of two or more different work activities.

As per **claim 17**, O'Brien teaches a resource management system wherein: the workers specify activities for the time periods via an interface comprising cells arranged in rows and columns, each cell representing a particular time period for a particular workday (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 6, lines 25-45, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the workers specify activities).

**Claim 18** recites equivalent limitations to claim 17 and is therefore rejected using the same art and rationale relied upon above.

**Claim 19** recites equivalent limitations to claim 1 and is therefore rejected using the same art and rationale relied upon above.

**Claim 20** recites equivalent limitations to claim 17 and is therefore rejected using the same art and rationale relied upon above.

**Claim 21** recites equivalent limitations to claims 3 and 5 and is therefore rejected using the same art and rationale relied upon above.

**Claim 22** recites equivalent limitations to 2 and is therefore rejected using the same art and rationale relied upon above.

**Claims 23 and 24** recite equivalent limitations to claims 4 and 6, respectively, and are therefore rejected using the same art and rationale relied upon above.

As per **claim 25**, O'Brien teaches wherein the work plan builder module enables each worker to generate a default work plan that specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to engage in during that time period and to generate a new work plan by modifying the default work plan (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the worker specifies his/her parameters for the work schedule to include working, on leave, etc. The template schedule assumes working if not otherwise indicated).

As per **claim 26**, O'Brien teaches computer-readable storage being configured for remote access by the workers over a communication network (See figure 1, column 1, lines 58-65, column 2, lines 5-15, and column 3, lines 5-30).

As per **claims 27-29**, O'Brien discloses remote access by the workers over a communication network (See at least figure 1, column 1, lines 58-65, column 2, lines 5-15, and column 3, lines 5-30). However, none of O'Brien, Dellevi et al, or Moseley et al. expressly

disclose the networks of a wireless communication device, a kiosk accessible to a plurality of workers, a hand-held computing device.

O'Brien, Dellevi et al., and Moseley et al. disclose scheduling systems that are implemented over communications networks. Examiner takes official notice that wireless devices, kiosks, and handheld computing devices were all well-known remote terminals connectible to a communications network at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a wireless device, kiosk, or handheld computing device as the device that remotely accesses the communications network of O'Brien or Moseley et al. in order to more efficiently receive and provide scheduling information between workers and managers. See at least column 1, lines 1-20 and 35-40.

As per **claim 30**, O'Brien disclose wherein the one or more computer-executable modules further include a real-time status module for providing real-time statistics regarding activities that the workers are currently engaged in (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65, wherein the system tracks activity at a current time (workload) and compares it to the current schedule).

**Claims 32, 33, 35, and 36** recite equivalent limitations to claims 13, 9, 10, and 11, respectively, and are therefore rejected using the same art and rationale as relied upon above.

As per **claim 34**, O'Brien teaches wherein the supervision module enables the supervisor to enter work plans for one or more workers (See figures 2, 2A, 2B, and 5, column 2, lines 15- 35, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 6, lines 18-30, and column 8, lines 38-52).

As per **claim 37**, O'Brien teaches wherein the one or more computer-executable modules further include a current day activity monitor module for providing a real-time comparison between a service level 'corresponding to current real-time work activities and a service level provided by those workers engaged in these work activities during the current time period (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65, wherein the system tracks activity at a current time (workload) and compares it to the current schedule).

As per **claim 38**, O'Brien wherein the current day activity module is configured to generate one or more graphical displays indicative of the comparison (See at least figure 2-2B, 1 column 1, lines 45-57, column 5, lines 5-37 and 48-67, and column 6, lines 1-40 and 44-65, wherein a revised schedule is determined for the current day and displayed to the user).

As per **claim 39**, O'Brien discloses wherein the current day activity monitor module is configured to determine when a difference between the service level corresponding to current real-time work activities and the service level provided by those workers engaged in these work activities during the current time period exceeds a predetermined level (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65).

As per **claim 40**, O'Brien teaches wherein the current day activity monitor module is further configured to automatically perform one or more actions if the difference exceeds the predetermined level (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65, wherein the system is configured to regenerate a schedule is the level is exceeded).

As per **claim 41**, O'Brien discloses wherein one or more actions includes instructing one or more workers to change the activity in which these workers are currently engaged (See column 5, lines 10-37 and 50-67, column 5, lines 1-25 and 44-67, and column 7, lines 1-10, wherein the worker is told to change the activity of the schedule).

As per **claim 42**, O'Brien teaches a resource management system comprising computer-readable storage according to claim 19 (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52).

**Claim 43** recites equivalent limitations to claim 14 and is therefore rejected using the same art and rationale set forth above.

**Claim 46** recites equivalent limitations to claim 17 and is therefore rejected using the same art and rationale as relied upon above.

13. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **570.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH BOSWEL** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents*

*P.O. Box 1450*

*Alexandria, VA 22313-1450*

or faxed to **571-273-8300**.

Art Unit: 3623

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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